

**REMARKS**

Claims 1-24 are pending in this application. Claims 1-9 have been amended. Claims 10-24 have been withdrawn from reconsideration.

In the Office Action, claims 1-9 have been rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter, because it is contended the claimed user interface can take the form of “acoustic or light waves.” Claim 1 has been amended to recite a machine-readable medium that stores codes that, once read, displays a first navigational menu and a second navigational menu. Claims 2-9 have amended to conform to claim 1. These amendments are fully supported, for example, at paragraphs 0019 and 0028-0031 of the present application. No new matter has been added. Applicants believe these amendments are fully responsive to the Examiner’s concerns.

Claims 1-4 and 7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,123,243 (Kawasaki et al.) in view of U.S. Patent No. 6,801,849 (Szukala et al.). Claim 5 has been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,123,243 (Kawasaki et al.) in view of U.S. Patent No. 6,801,849 (Szukala et al.) and further in view of U.S. Patent No. 6,603,494 (Banks et al.). Claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,123,243 (Kawasaki et al.) in view of U.S. Patent No. 6,801,849 (Szukala et al.) and further in view of U.S. Patent No. 5,598,527 (Debrus et al.). Claim 8 has been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,123,243 (Kawasaki et al.) in view of U.S. Patent No. 6,801,849 (Szukala et al.) and further in view of U.S. Patent No. 5,859,628 (Ross et al.). Claim 9 has been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,123,243 (Kawasaki et al.) in view of U.S. Patent No. 6,801,849 (Szukala et al.) and further in view of U.S. Patent No. 7,154,481 (Cross et

al.). These rejections are respectfully traversed. Applicants hereby request reconsideration and allowance of the claims in view of the following arguments.

Regarding the rejection of independent claim 1, this claim has been amended for clarity to recite that the at least one display element has a touch sensitive active region therein, and a graphical representation of functionality invoked via user selection of the display element through the touch sensitive active region. This amendment is fully supported, for example, at paragraph 0040 of the present application. Care has been taken to avoid the introduction of new matter.

Neither of the cited references teaches or suggests this claimed feature of amended claim 1. The primary reference Kawasaki et al. teach a hand held device with a display portion on one surface of the device and a touch panel on another surface (i.e., an opposing surface) of the device. See Kawasaki et al. at Abstract; column 3, lines 55-65; and column 4, lines 18-26, 35-39. Thus, according to Kawasaki et al., the display portion for graphically displaying selectable buttons and the touch panel through which a user can actually select a displayed function are located on two opposite surfaces of a hand held device. This is different from the claimed invention, wherein each display element (which is selectable) has a touch sensitive active region therein, i.e., on the same surface of the device, for enabling human finger tip selection of the display element. See paragraphs 0007-0008 on page 3 of the present application. Kawasaki et al. does not teach or suggest that the at least one display element has a touch sensitive active region therein, as required by claim 1. Instead, Kawasaki et al. clearly teaches the opposite, by having the display portion and the touch panel located on different surfaces.

The Szukala et al. reference teaches a diagnostic tool, but Szukala et al. are silent on hand touch selection of functions. Therefore, even if Kawasaki et al. is combined with Szukala et al.,

the combination, however made, would still be missing claim 1's feature of a display element and a touch sensitive active region on the same surface of a hand held device. Moreover, it would not have been obvious to add this feature to any Kawasaki/Szukala combination.

Consequently, claim 1 is patentable, as are claims 2-4 and 7, which depend from claim 1.

Regarding the obviousness rejections of dependent claims 5, 6, 8, and 9, none of the additionally cited Banks, Debrus, Ross, or Cross references furnishes the features of claim 1, from which claims 5, 6, 8, and 9 depend, missing from Kawasaki et al. and Szukala et al. (i.e., a display element having a touch sensitive active region therein, and a graphical representation of functionality invoked via user selection of the display element through the touch sensitive active region). Thus, any combination of these references, however made, would still be missing these claimed features, and it would not have been obvious to add these features to any such combination.

Consequently, claims 5, 6, 8, and 9 are patentable.

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

**Application No.: 10/674,409**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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